

**Division 3. Air Resources Board**

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**Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices**

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**Article 5. Portable Engine and Equipment Registration**

**§ 2452. Definitions.**

(a) Air Contaminant means any discharge, release, or other propagation into the atmosphere which includes, but is not limited to, smoke, dust, soot, grime, carbon, fumes, gases, odors, particulate matter, acids, or any combination thereof.

(b) ARB means the California Air Resources Board.

(c) Construction Equipment means equipment that uses an engine and that is primarily used (as defined below) in construction and operated at commercial construction sites.

(d) Corresponding Onshore District means the district which has jurisdiction for the onshore area that is geographically closest to the engine or equipment unit.

(e) District means an air pollution control district or air quality management district created or continued in existence pursuant to provisions of Part 3 (commencing with section 40000) of the California Health and Safety Code.

(f) Emergency means any situation arising from sudden and reasonably unforeseen natural disaster such as earthquake, flood, fire, or other acts of God, or other unforeseen events beyond the control of the portable engine or equipment unit operator, its officers, employees, and contractors that threatens public health and safety and that requires the immediate temporary operation of portable engines or equipment units to help alleviate the threat to public health and safety.

(g) Engine means any piston driven internal combustion engine.

(h) Equipment Unit means equipment that emits air contaminants over and above those emitted from the portable engine and is associated with, and driven solely by, any portable engine. Equipment units may include equipment necessary for the operation of a portable engine (e.g., fuel tanks).

(i) Equivalent Replacement means a substitution of one or more registered portable engine(s) or equipment unit(s) with a portable engine or equipment unit that is intended to perform the same or similar function as the original portable engine or equipment unit, and where the following conditions exist:

(1) the replacement engine or equipment unit results in equal or lower air contaminant emissions than the existing engine or equipment unit (or sum of existing engines or equipment units) expressed as a mass per unit time (limitations on capacity or hours of operation shall not be taken into account in qualifying for lower air contaminant emissions);

(2) the replacement engine or equipment unit meets the emission control technology requirements of this article contained in sections 2456 and 2457;

(3) the rated brake horsepower of the replacement engine does not exceed the rated brake horsepower of the existing engine (or sum of existing engines) by more than 20 percent. For every percentage point increase of the rated brake horsepower, there shall be an associated decrease in emissions of nitrogen oxides, expressed as a mass per unit time, equal to or exceeding two percentage points; and

(4) the manufacturer's maximum rated capacity of the replacement equipment unit does not exceed the maximum rated capacity of the existing equipment unit.

(j) Executive Officer means the Executive Officer of the California Air Resources Board or his designee.

(k) Farm Equipment means equipment that uses an engine and that is primarily used (as defined below) in the commercial production and or commercial harvesting of food, fiber, wood, or commercial organic products or in the processing of such products for further use on a farm.

(l) Hazardous Air Pollutant (HAP) means any air contaminant that is listed pursuant to section 112(b) of the federal Clean Air Act.

(m) Identical Replacement means a substitution of a registered portable engine or equipment unit with another portable engine or equipment unit that has the same manufacturer, type, model number, manufacturer's maximum rated capacity, and rated brake horsepower; and is intended to perform the same or similar function as the original portable engine or equipment unit; and has equal or lower emissions expressed as mass per unit time; and meets the emission control technology requirements of sections 2455 through 2457 of this article.

(n) Location means any single site at a building, structure, facility, or installation.

(o) Maximum Achievable Control Technology (MACT) means any federal requirements promulgated as part of 40 CFR Parts 61 and 63.

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(p) Maximum Rated Capacity is the maximum throughput rating or volume capacity listed on the nameplate of the portable equipment unit as specified by the manufacturer.

(q) Maximum Rated Horsepower (brake horsepower (bhp)) is the maximum brake horsepower rating specified by the portable engine manufacturer and listed on the nameplate of the portable engine.

(r) Modification means any physical change in portable engine or equipment unit method of operation, or in addition to an existing portable engine or equipment unit, which may cause or result in the issuance of air contaminants not previously emitted. Routine maintenance and/or repair shall not be considered a physical change. Unless previously limited by an enforceable registration condition, a change in the method of operation shall not include:

(1) an increase in the production rate, unless such increase will cause the maximum design capacity of the portable equipment unit to be exceeded;

(2) an increase in the hours of operation;

(3) a change of ownership; and

(4) the movement of a portable engine or equipment unit from one location to another;

(s) New Nonroad Engine means a domestic or imported nonroad engine the equitable or legal title to which has never been transferred to an ultimate purchaser. If the equitable or legal title to an engine is not transferred to an ultimate purchaser until after the engine is placed into service, then the engine will no longer be new after it is placed into service. A nonroad engine is placed into service when it is used for its functional purposes. The term "ultimate purchaser" means, with respect to a new nonroad engine, the first person who in good faith purchases a new nonroad vehicle or a new nonroad engine for purposes other than resale.

(t) New Source Performance Standard means any federal requirement promulgated as part of 40 CFR Part 60.

(u) Non-operational means a portable engine or equipment unit that an owner or operator has demonstrated to the satisfaction of the Executive Officer as residing in California but not operating. A portable engine or equipment unit determined to be non-operational may not operate under the registration program.

(v) Nonroad Engine means:

(1) Except as discussed in paragraph (2) of this definition, a nonroad engine is any engine:

(A) in or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

(B) in or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(C) that, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(2) An engine is not a nonroad engine if:

(A) the engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the federal Clean Air Act; or

(B) the engine is regulated by a federal New Source Performance Standard promulgated under section 111 of the federal Clean Air Act; or

(C) the engine otherwise included in paragraph (1)(C) of this definition remains or will remain at a location for more than 12 consecutive months or a shorter period of time for an engine located at a seasonal source. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (at least two years) and that operates at that single location approximately three (or more) months each year.

(w) Outer Continental Shelf (OCS) shall have the meaning provided by section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. Section 1331 et seq.).

(x) Portable means designed and capable of being carried or moved from one location to another. Indicia of portability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform. For the purposes of this regulation, dredge engines on a boat or barge are considered portable. The engine or equipment unit is not portable if any of the following are true:

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(1) the engine or equipment unit or its replacement is attached to a foundation, or if not so attached, will reside at the same location for more than 12 consecutive months. Any engine or equipment unit such as back-up or stand-by engines or equipment units, that replace engine(s) or equipment unit(s) at a location, and is intended to perform the same or similar function as the engine(s) or equipment unit(s) being replaced, will be included in calculating the consecutive time period. In that case, the cumulative time of all engine(s) or equipment unit(s), including the time between the removal of the original engine(s) or equipment unit(s) and installation of the replacement engine(s) or equipment unit(s), will be counted toward the consecutive time period; or

(2) the engine or equipment unit remains or will reside at a location for less than 12 consecutive months if the engine or equipment unit is located at a seasonal source and operates during the full annual operating period of the seasonal source, where a seasonal source is a stationary source that remains in a single location on a permanent basis (at least two years) and that operates at that single location at least three months each year; or

(3) the engine or equipment unit is moved from one location to another in an attempt to circumvent the portable residence time requirements.

[Note: The period during which the engine or equipment unit is maintained at a storage facility shall be excluded from the residency time determination.]

(y) Prevention of Significant Deterioration (PSD) means any federal requirements promulgated as part of 40 CFR Part 52.

(z) Primarily Used is a determination by U.S. EPA under section 209(e) of the federal Clean Air Act, that 51 percent or more of a specific type of engine or equipment, with an engine under 175 maximum brake horsepower rating, is used in the farm and construction industries.

(aa) Process means any air-contaminant-emitting activity associated with the operation of a portable engine.

(bb) Project, for the purposes of onshore operation, means the use of one or more registered portable engines or equipment units operated at one location under the same or common ownership or control to perform a single activity.

(cc) Project, for the purposes of State Territorial Waters (STW), means the use of one or more registered portable engines and equipment units operating under the same or common ownership or control to perform any and all activities needed to fulfill specified contract work that is performed in STW. For the purposes of this definition, a contract means verbal or written commitments covering all operations necessary to complete construction, exploration, maintenance, or other work. Multiple or consecutive contracts may be considered one project if they are intended to perform activities in the same general area, the same parties are involved in the contracts, or the time period specified in the contracts is determined by the Executive Officer to be sequential.

(dd) Registration means issuance of a certificate by the Executive Officer acknowledging expected compliance with the applicable requirements of this article, and the intent by the owner or operator to operate said portable engine or equipment unit within the requirements established by this article as it pertains to portable engines and equipment units.

(ee) Rental Business means a business in which the principal use of its engines or equipment units is to temporarily rent or lease for profit, portable engines or equipment units to operators other than the owner(s) of the engine or equipment unit.

(ff) Renter means a person who rents a portable engine or equipment unit from a rental business.

(gg) Resident Engine means:

(1) a portable engine that at the time of applying for registration, has a current, valid district permit or registration issued in accordance with local district requirements and an application for registration is submitted to the Executive Officer before July 1, 2001; or

(2) a portable engine that resided in the State of California at any time during calendar year 1995 and an application for registration is submitted to the Executive Officer no later than July 1, 2000; or

(3) a portable engine where registration becomes mandatory pursuant to section 2451(d) of this article.

[Note: The owner or operator shall provide sufficient documentation to prove the portable engine's residency to the satisfaction of the Executive Officer. Examples of adequate documentation are valid permits issued by a district, tax records, and usage or maintenance records. With the exception of section 2456(e)(8) of this regulation, an equivalent or identical replacement engine replacing a registered resident engine shall be treated as a resident engine.]

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(hh) State Territorial Waters (STW) includes all of the following: an expanse of water that extends from the California coastline to 3 miles off-shore; a 3 mile wide belt around islands; and estuaries, rivers, and other inland waterways.

(ii) Stationary Source means any building, structure, facility or installation which emits any affected pollutant directly or as a fugitive emission. "Building," "structure," "facility," or "installation" includes all pollutant emitting activities which:

(1) are under the same ownership or operation, or which are owned or operated by entities which are under common control;

(2) belong to the same industrial grouping either by virtue of falling within the same two-digit standard industrial classification code or by virtue of being part of a common industrial process, manufacturing process, or connected process involving a common raw material; and

(3) are located on one or more contiguous or adjacent properties.

[Note: For purposes of this regulation a stationary source and nonroad engine are mutually exclusive.]

(jj) Stick Test means the process whereby a ruler or similar device is inserted perpendicular to the bottom of the fuel tank. From the wetted length of the ruler, the amount of fuel remaining in a tank of known dimensions can be calculated.

(kk) Storage means a warehouse, enclosed yard, or other area established for the primary purpose of maintaining portable engines or equipment units when not in operation.

(ll) Tactical Support Equipment (TSE) means equipment using a portable engine, including turbines, that meets military specifications, owned by the U.S. Department of Defense and/or the U.S. military services, and used in combat, combat support, combat service support, tactical or relief operations, or training for such operations. Examples include, but are not limited to, internal combustion engines associated with portable generators, aircraft start carts, heaters and lighting carts.

(mm) Transportable means the same as portable.

(nn) Volatile Organic Compound (VOC) means any compound containing at least one atom of carbon except for the following exempt compounds: acetone, ethane, parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene), methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, methylene chloride (dichloromethane), methyl chloroform (1,1,1-trichloroethane), CFC-113 (trichlorotrifluoroethane), CFC-11 (trichlorofluoromethane), CFC-12 (dichlorodifluoromethane), CFC-22 (chlorodifluoromethane), CFC-23 (trifluoromethane), CFC-114 (dichlorotetrafluoroethane), CFC-115 (chloropentafluoroethane), HCFC-123 (dichlorotrifluoroethane), HFC-134a (tetrafluoroethane), HCFC-141b (dichlorofluoroethane), HCFC-142b (chlorodifluoroethane), HCFC-124 (chlorotetrafluoroethane), HFC-23 (trifluoromethane), HFC-134 (tetrafluoroethane), HFC-125 (pentafluoroethane), HFC-143a (trifluoroethane), HFC-152a (difluoroethane), cyclic, branched, or linear completely methylated siloxanes, the following classes of perfluorocarbons:

(1) cyclic, branched, or linear, completely fluorinated alkanes;

(2) cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;

(3) cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and

(4) sulfur-containing perfluorocarbons with no unsaturations and with the sulfur bonds to carbon and fluorine, acetone, ethane, and parachlorobenzotrifluoride (1-chloro-4-trifluoromethyl benzene).

(oo) U.S. EPA means the United States Environmental Protection Agency.

NOTE: Authority cited: Sections 39600-39601, 41752-41755, 43013(b) and 43018, Health and Safety Code. Reference: Sections 41750-41755, Health and Safety Code.

#### **REFERENCE**